



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Frederic BESEME et al.

Group Art Unit: 1633

Application No.: 10/717,580

Examiner: M. MARVICH

Filed: November 21, 2003

Docket No.: 105045.01

For: ENDOGENETIC RETROVIRAL SEQUENCES, ASSOCIATED WITH
AUTOIMMUNE DISEASES OR WITH PREGNANCY DISORDERS

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 11, 2009 Office Action, reconsideration of the rejections is respectfully requested in light of the following remarks.

The Office Action rejects claims 1, 2, 41, and 42 under 35 U.S.C §101 because the claimed invention allegedly is not supported by either a specific and substantial asserted utility or a well-established utility; and rejects these claims under the enablement requirement of 35 U.S.C §112, first paragraph. Because both of these rejections involve the same issues, both rejections are addressed together below.

The Office Action asserts that the claims lack specific and substantial utility. In summary, it asserts that the specification only speculates at the possible utility of HERV-W, and provides no positive affirmation of a link between the putative endogenous genomic retrovirus sequence and any specific pathologic condition. The Office Action asserts that although post-filing art helps establish a link between syncytin (HERV-w env) and placental